

DOCKET FILE COPY ORIGINAL

September 15, 2004

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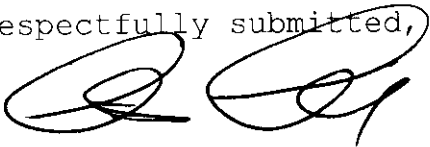
Ms. Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby - TW - A325  
Washington, D.C. 20554

Re: Petition for Rule Making  
Lometa, Texas

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of a  
Petition for Rule Making to add Channel 253A at Lometa,  
Texas.

Respectfully submitted,



Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205  
(214) 520-7077 Tele

LometaCover

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NB 04-159

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To: John Karousos, Assistant Chief  
Audio Division of the  
Media Bureau

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 253A at Lometa, Texas.

Petitioner respectfully submits that the public interest would be served by allocating Channel 253A to Lometa, Texas as that community's first competing FM service.<sup>1</sup> Lometa, Texas is a community of 782 people.<sup>2</sup> Thirty (35) businesses in Lometa, Texas have been given a credit rating by Dun & Bradstreet as of the last quarter of 2000.<sup>3</sup> Lometa, Texas has its own post office, volunteer

<sup>3</sup> Texas Almanac 2002/ 2003

fire department and its own school district, the Lometa Independent School District. Lometa is also home to a number of churches. The proposed channel 253A will provide additional diversity and an outlet for local self-expression to Lometa residents and therefore is in the public interest.

In order for Channel 253A to be allotted at Lometa, Texas, the vacant allotment for Channel 252A at Richland Springs, Texas will need to be replaced with Channel 235A. Additionally, two stations will need to be reclassified to CO's, they are, station KELI Channel 254C at San Angelo and station KAMX Channel 234C at Luling, Texas. Pursuant to MM Docket 98-93, I am making a formal request for station KELI at San Angelo, Texas and station KAMX at Luling, Texas to be reclassified from C's to CO's. (See, Attachment A, Request to Reclassify statement for station KELI and Attachment B, Request to Reclassify statement for station KAMX)

The proposed changes are:

	<u>Present</u>	<u>Proposed</u>
Lometa, TX	-----	253A
Richland Springs, TX	252A	235A
San Angelo, TX	254C	254C0
Luling, TX	234C	234C0

Attached hereto is a channel study confirming that Channel 253A can be allocated to Lometa, Texas, consistent with the FCC's FM separation rules, provided Channel 254C in San Angelo is reclassified to a C0. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

(See, Attachment C)

Reference coordinates for Channel 253A at Lometa, Texas are:

31 18 45 N  
98 26 45 W

In order for Channel 253A to be allotted at Lometa, Texas, the vacant allotment for Channel 252A at Richland Springs, Texas will need to be replaced with Channel 235A and station KAMX Channel 234C at Luling will need to be reclassified to a C0.

Attached hereto is a channel study confirming that Channel 235A can be allocated to Richland Springs, Texas consistent with the FCC's FM separation rules, provided station KAMX at Luling, Texas is reclassified to a C0. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment D) Note: the counterproposal in MM Docket No. 01-47 proposing to allot Channel 237A to San Saba was withdrawn on August 10, 2004, an effective but not yet final dismissal. (See, Attachment E)


Reference coordinates for Channel 235A at Richland Springs,  
Texas are:

31 12 30 N  
99 00 45 W

Should this petition be granted and Channel 253A is  
allotted to Lometa, Texas, Petitioner will apply for  
Channel 253A at Lometa and after it is authorized, will  
promptly construct the new facility.

The factual information provided in this Petition for  
Rule Making is correct and true to the best of my  
knowledge.

Respectfully submitted,



Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205  
(214) 520-7077 tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite  
600, 1050 17<sup>th</sup> Street, N.W., Washington, D.C. 20036,  
telephone (202) 496-1289, telecopier (301) 762-0156,  
attorney for Charles Crawford. It is requested that the  
Commission and any parties who may file pleadings in the  
captioned matter serve copies to Mr. Bechtel as well as  
Charles Crawford.

September 15, 2004

# CERTIFICATE OF SERVICE

I, Charles Crawford, hereby certify that on this 15<sup>th</sup> day of September, 2004, I caused copies of the foregoing "Petition for Rule Making for Lometa, Texas" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

Ms. Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby-TW-A325  
Washington, D.C. 20554

Gene Bechtel, Esq.  
Law Offices of Gene Bechtel, P.C.  
1050 17<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036-5517  
(Counsel for Petitioner)

Encore Broadcasting of San Angelo, LLC  
Station KELI  
3303 N. Midkiff, suite 115  
Midland, Texas 79705

Texas Infinity Radio L.P.  
Station KAMX  
2000 K Street, N.W., suite 725  
Washington, DC 20006-1809



Charles Crawford

**Attachment A**

(Request to Reclassify Station KELI, San Angelo, Texas)

Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205

Petition for Rule Making  
FM Channel 253A  
Lometa, Texas  
September 15, 2004

**Attachment A**

Request to Reclassify  
Station KELI (FM), San Angelo, Texas  
Pursuant to MM Docket 98-93

Radio Station KELI (FM), San Angelo, Texas is licensed to Encore Broadcasting of San Angelo, LLC, 3303 N. Midkiff, Suite 115, Midland, Texas 79705, (Facility ID 18180), FCC File No. BLH 19861216KA. The facility operates with a power of 100 kilowatts with center of radiation 396 meters height above average terrain. The above captioned Docket 98-93 provides the mechanism to automatically downgrade a Class C facility to Class C0 when a demand is made for the spectrum, as is the case here. Charles Crawford respectfully requests that the license of Radio Station KELI (FM) be modified to specify operation on FM Channel 254C0 instead of on FM Channel 254C in accordance with the above Docket which provides for such downgrades when a demand for the unused spectrum is made, as is the case here.

Charles Crawford, the proponent of Channel 253A/ Lometa, Texas, in accordance with the above Docket, formally requests that the Commission reclassify Radio Station KELI(FM) as a Class C0 facility. Charles Crawford certifies that no alternative channel is available for the service he proposes at Lometa, Texas as is proposed in the Petition for Rule Making. A copy of this Petition for Rule Making is being served on Encore Broadcasting of San Angelo, LLC, as is required in the above Docket.



Charles Crawford



**Attachment B**

(Request to Reclassify Station KAMX, Luling, Texas)

Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205

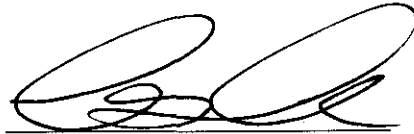
Petition for Rule Making  
FM Channel 253A  
Lometa, Texas  
September 15, 2004

**Attachment B**

Request to Reclassify  
Station KAMX (FM), Luling, Texas  
Pursuant to MM Docket 98-93

Radio Station KAMX (FM), Luling, Texas is licensed to Texas Infinity Radio L.P., 2000 K Street, N.W., suite 725, Washington, DC 20006-1809, (Facility ID 48651), FCC File No. BLH 19980225KD. The facility operates with a power of 100 kilowatts with center of radiation 398 meters height above average terrain. The above captioned Docket 98-93 provides the mechanism to automatically downgrade a Class C facility to Class C0 when a demand is made for the spectrum, as is the case here. Charles Crawford respectfully requests that the license of Radio Station KAMX (FM) be modified to specify operation on FM Channel 234C0 instead of on FM Channel 234C in accordance with the above Docket which provides for such downgrades when a demand for the unused spectrum is made, as is the case here.

Charles Crawford, the proponent of Channel 253A/ Lometa, Texas, in accordance with the above Docket, formally requests that the Commission reclassify Radio Station KAMX (FM) as a Class C0 facility. Charles Crawford certifies that no alternative channel is available for the service he proposes at Lometa, Texas as is proposed in the Petition for Rule Making. A copy of this Petition for Rule Making is being served on Texas Infinity Radio L.P., as is required in the above Docket.

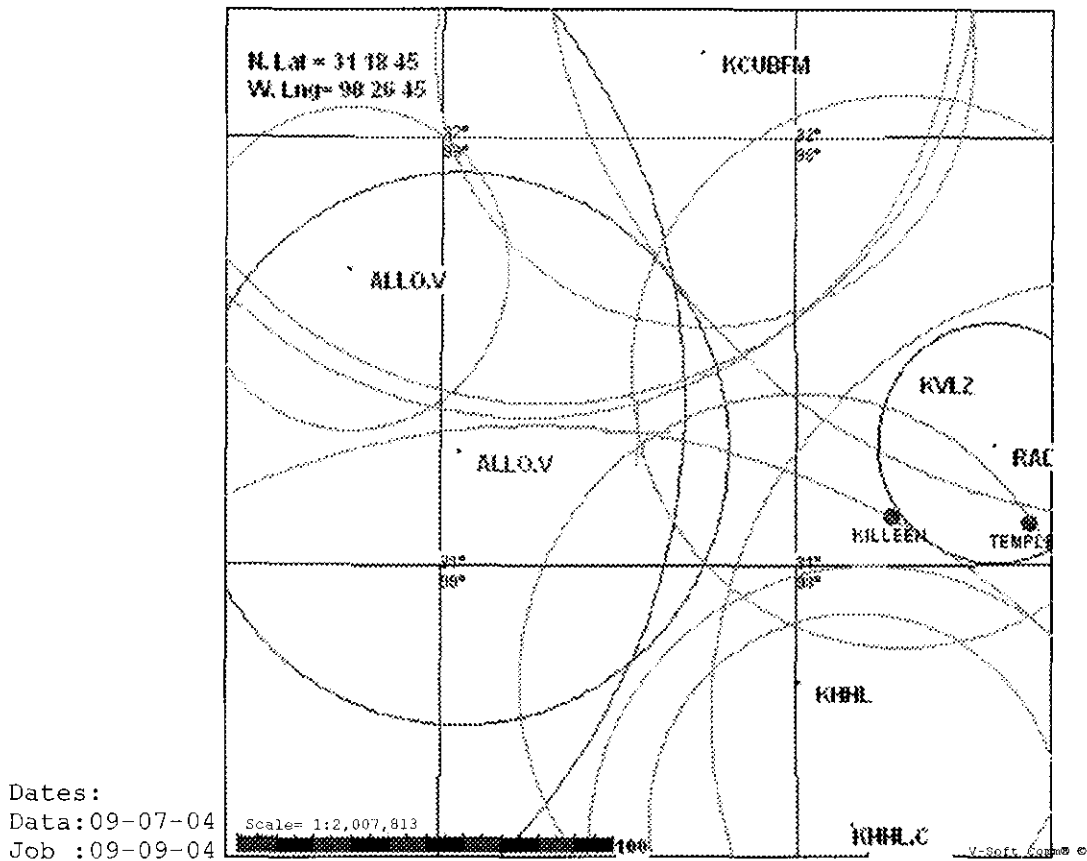
A handwritten signature in black ink, appearing to read 'Charles Crawford', written over a horizontal line.

Charles Crawford

**Attachment C**

(Channel Study for Channel 253A at Lometa, Texas)

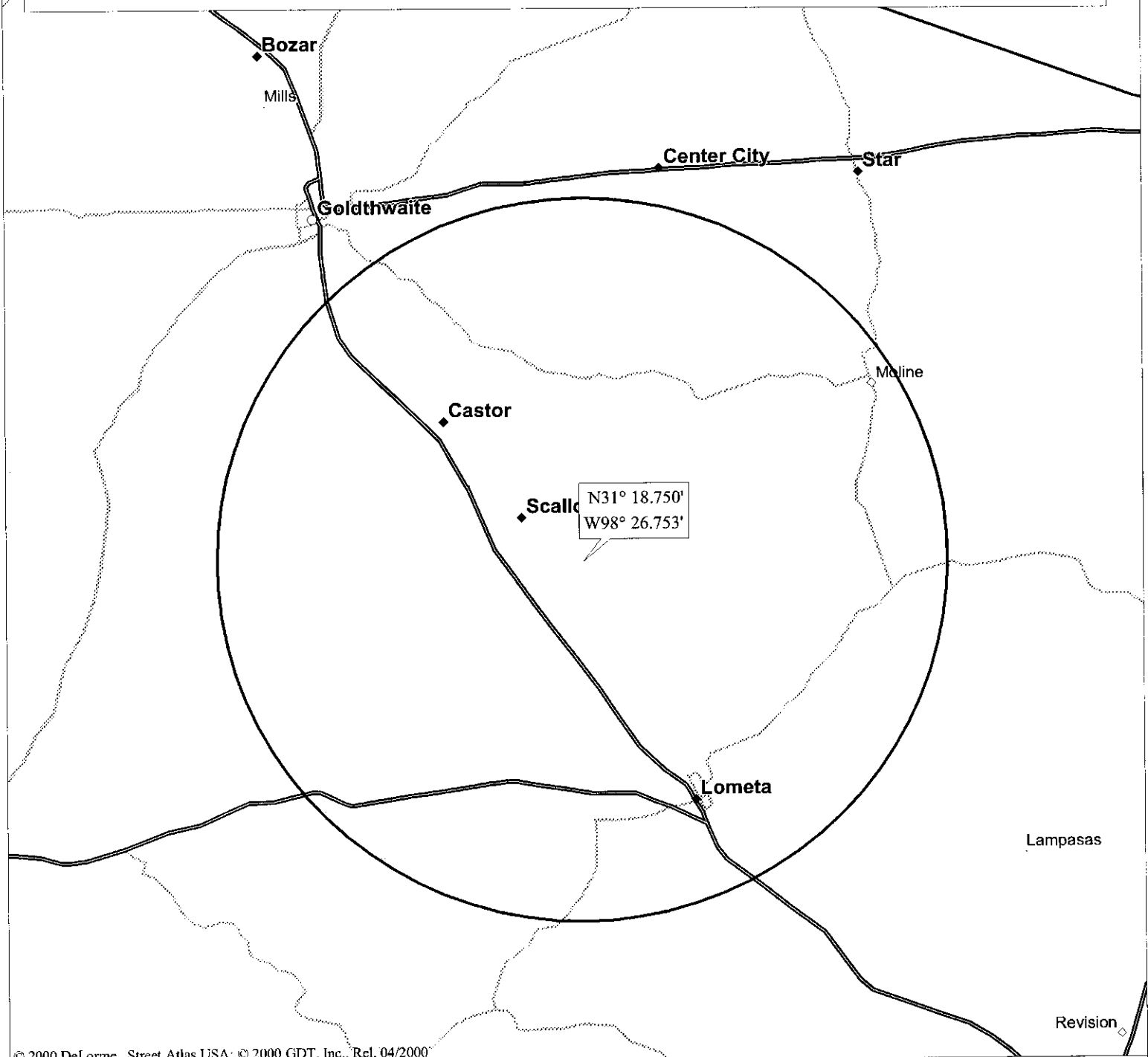
FM PROSP<sup>(TM)</sup> LOCATE STUDY CH 253 A 98.5 MHz



Dates:  
Data:09-07-04  
Job :09-09-04

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
ALLO.V	252A	VAC	Richland Springs	TX	47.74	264.4	72.0	-24.26
KELI	254C*	LIC	San Angelo	TX	152.46	272.7	165.0	-12.54
KBBT	253C1	LIC	Schertz	TX	200.10	187.7	200.0	0.10
KVLZ	252A	LIC	Gatesville	TX	72.25	77.4	72.0	0.25
KHHL	255C1	LIC	Leander	TX	78.25	146.2	75.0	3.25
AL253	253A	RSV	Ranger	TX	122.37	345.8	115.0	7.37
KCUBFA	253A	APP	Ranger	TX	124.82	348.5	115.0	9.82
KCUBFM	252A	LIC	Stephenville	TX	100.57	10.2	72.0	28.57
KLUVFM	254C	LIC	Dallas	TX	198.85	44.1	165.0	33.85
KRXT	253A	LIC	Rockdale	TX	153.74	118.7	115.0	38.74
ALLO.V	250C3	VAC	Bangs	TX	87.62	299.0	42.0	45.62
KVETFM	251C1	LIC	N Austin	TX	125.93	150.5	75.0	50.93
KHHL.C	255C2	CP	N Leander	TX	117.64	150.3	55.0	62.64
RADD	256A	ADD	Moody	TX	95.52	91.6	31.0	64.52

# Lometa, TX CH 253A 70 dBu



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





Mag 11.00


Thu Sep 09 15:08 2004

Scale 1:250,000 (at center)

5 Miles

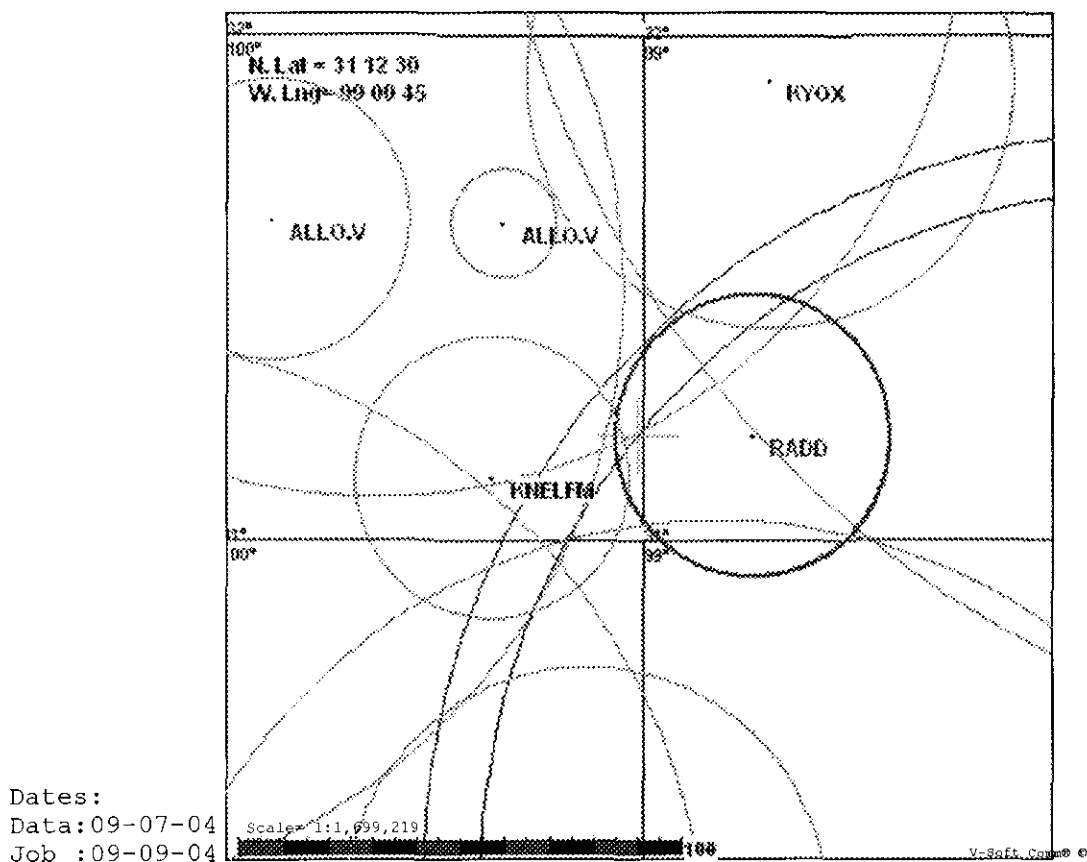
5 KM

-  US Highway
-  Major Connector
-  State Route
-  County Seat
-  Small Town
-  Locale
-  Water

Revision 

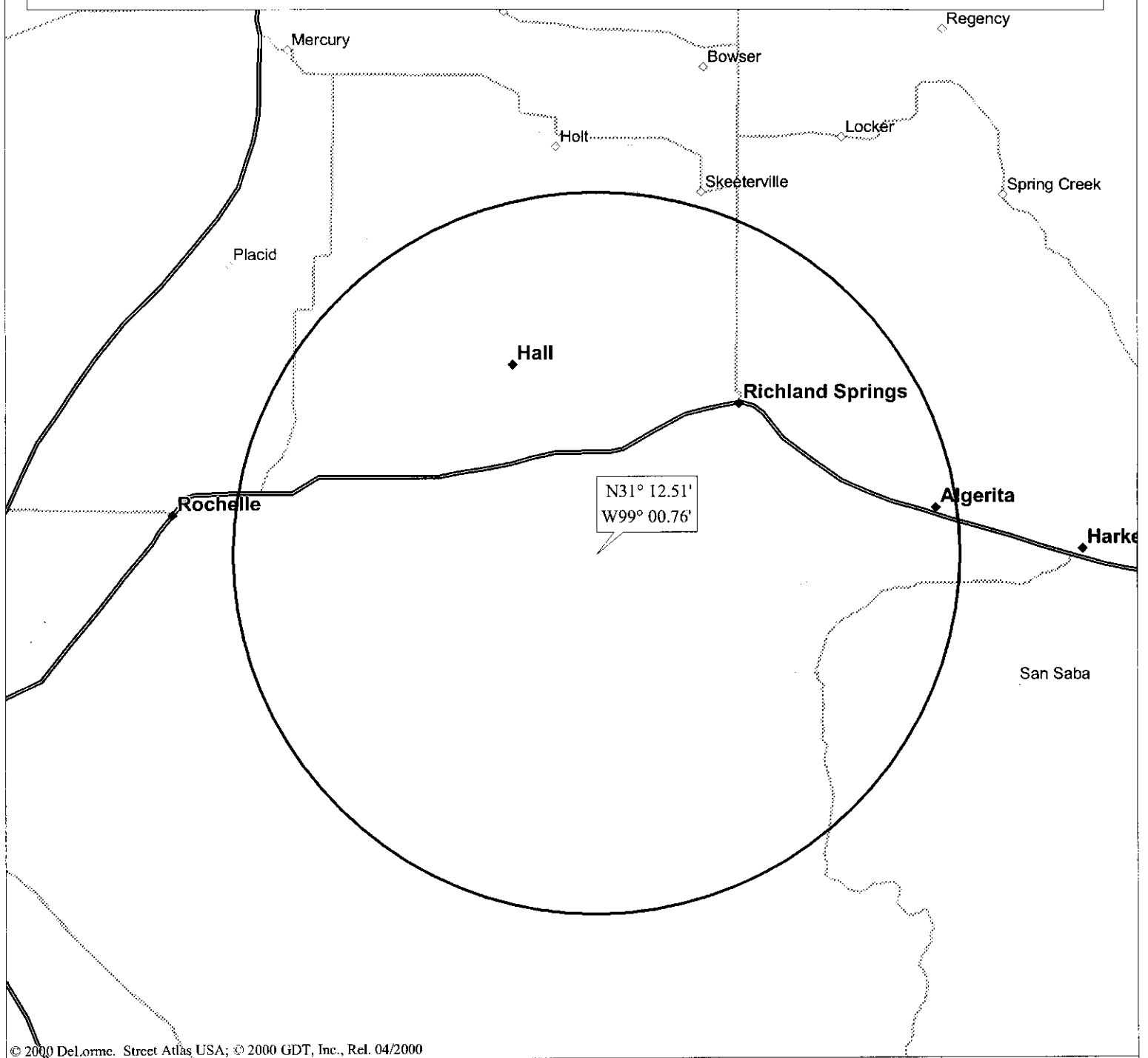
**Attachment D**

(Channel Study for Channel 235A at Richland Springs, Texas)

FM PROSP<sup>(TM)</sup> LOCATE STUDY CH 235 A 94.9 MHz


Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
KAMX	234C*	LIC N	Luling	TX	152.05	130.0	165.0	-12.95
RDEL	234C	DEL	Luling	TX	152.05	130.0	165.0	-12.95
RADD	237A	ADD	San Saba	TX	26.05	90.3	31.0	-4.95
RADD	234C0	ADD	Luling	TX	152.05	130.0	152.0	0.05
KNCE	236C1	LIC N	Baird	TX	133.54	333.7	133.0	0.54
RDEL	237A	DEL	Brady	TX	34.37	254.3	31.0	3.37
KNELFM	237A	LIC	Brady	TX	34.37	254.3	31.0	3.37
KIXYFM	234C1	LIC	San Angelo	TX	140.16	283.2	133.0	7.16
KCOREFM	236C1	LIC N	Comfort	TX	152.69	173.2	133.0	19.69
KLTY	235C	LIC	Arlington	TX	246.63	51.0	226.0	20.63
KYOX	232C2	LIC-Z	Comanche	TX	83.81	20.8	55.0	28.81
ALLO.V	235C3	VAC	Rocksprings	TX	174.20	226.3	142.0	32.20
ALLO.V	288C3	VAC	Santa Anna	TX	55.61	326.8	12.0	43.61
KRVL	232C2	LIC	Kerrville	TX	106.63	186.2	55.0	51.63
ALLO.V	238A	VAC	Ballinger	TX	95.62	299.9	31.0	64.62

# Richland Springs, TX CH 235A 70 dBu









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Mag 11.00  
Thu Sep 09 15:13 2004  
Scale 1:250,000 (at center)

5 Miles

5 KM

-  US Highway
-  Major Connector
-  State Route
-  Small Town
-  Locale
-  Water



**Attachment E**

(Withdrawal of Consent and Support in MM Docket No. 01-47)

ORIGINAL

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
 Washington, D.C.

In the Matter of	)	MM Docket No. 01-47
	)	
Amendment of Section 73.202(b)	)	RM-10063
Table of Allotments	)	RM-10119
FM Broadcast Stations	)	RM-10120
(Valley Mills, Texas)	)	

To: Assistant Chief,  
 Audio Division  
 Media Bureau

10 2004

WITHDRAWAL OF CONSENT AND SUPPORT

On April 9, 2001, a counterproposal was filed in this proceeding by Pecan Bayou Radio ("Pecan Bayou"), and Roy E. Henderson as licensee of radio station KBAL(FM) in San Saba, Texas ("KBAL(FM)"), proposing a change of channel and site proposed by KBAL(FM) ("Option I"), and also a change proposed by Pecan Bayou adding allocations at Hico and Richland Springs, Texas, along with a change of channel and transmitter site for KBAL(FM) to which KBAL(FM) consented ("Option II").

On April 16, 2001, KBAL(FM) and Pecan Bayou jointly filed a "Partial Withdrawal" by which KBAL(FM) withdrew its direct portion of the counterproposal ("Option I"), but continued its consent to the change in channel and transmitter site for KBAL(FM) as proposed by Pecan Bayou in Option II, and also its indicated support of the Pecan Bayou proposal.

Since that time KBAL(FM) has now determined that the changes as proposed for KBAL(FM) by Pecan Bayou are no longer in the station's best interests and, by letter sent on Monday, August 9,

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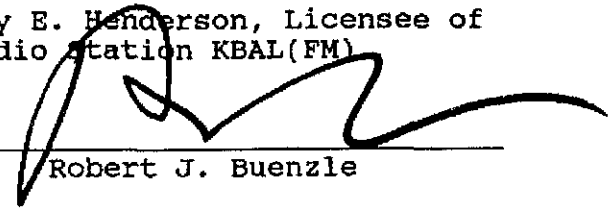
2004, KBAL(FM) has now advised Pecan Bayou of its withdrawal of consent and withdrawal of support of the Pecan Bayou counterproposal, effective immediately. Also, attached hereto is a copy of the above-referenced letter sent to Pecan Bayou, along with a Declaration of Roy E. Henderson attesting to the facts and certifying that no consideration was received or to be received for any of these actions taken.

Wherefore, it is respectfully requested that the Commission note the change of facts relevant to this proceeding as set forth herein.

Respectfully submitted,

Roy E. Henderson, Licensee of  
Radio Station KBAL(FM)

by



Robert J. Buenzle

His Counsel

Law Offices  
Robert J. Buenzle  
11710 Plaza America Drive  
Suite 2000  
Reston, Virginia 20190  
(703) 430-6751

August 10, 2004

DECLARATION

Roy E. Henderson, under penalty of perjury, hereby states and declares the following:

That he is licensee of radio station KBAL(FM) in San Saba, Texas, which joined in support of a counterproposal by Pecan Bayou Radio in MM Docket 01-47, as filed in April of 2001, and where KBAL included its consent to a change of channel and transmitter site as set forth therein; and

That, effective today, KBAL(FM) has advised Pecan Bayou of its withdrawal of consent to channel and site change for KBAL(FM) and its withdrawal of support of the Pecan Bayou proposal, as set forth in a letter to Pecan Bayou sent today, a true copy of which is attached hereto; and

That, to the extent that KBAL(FM) had joined in support of the Pecan Bayou proposal in MM Docket 01-47, and now withdraws that support, that in connection therewith, it is also hereby certified that neither KBAL(FM), nor any principal of KBAL(FM) has received or will receive any money or other consideration in exchange for any of its actions as set forth herein.

The above statements of fact are true and correct to the best of my own personal knowledge and belief.

Signed and dated this 9th day of August, 2004.



Roy E. Henderson,  
Licensee, KBAL(FM),  
San Saba, Texas

Radio station KBAL(FM)  
1110 West William Cannon Drive  
Suite 402  
Austin, Texas 78745-5460

August 9, 2004

SENT BY FAX to 202 879-8971

Mark N. Lipp, Esq.  
J. Thomas Nolan, Esq.  
Vinson & Elkins, L.L.P.  
1455 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Mr. Lipp:

In April of 2001, KBAL joined with Pecan Bayou Radio in filing a counterproposal on April 9, 2001, in MM Docket No. 01-47 which included an "Option I" proposal to change the channel and community of KBAL as proposed by KBAL(FM), and an "Option II" proposal by Pecan Bayou for allotments at Hico and Richland Springs, Texas, which also included KBAL's consent to change channels and transmitter site.

On April 16, 2001, The parties filed a partial withdrawal which recognized the withdrawal of KBAL of its proposal (Option I), but which continued the Pecan Bayou Proposal (Option II) along with KBAL's consent and support of that proposal.

It has now been several years since that proposal was filed and KBAL herewith advises you, as counsel for Pecan Bayou, that, effectively immediately, KBAL herewith withdraws its consent and support by KBAL for the Pecan Bayou counterproposal in MM Docket 01-47, and that KBAL will also proceed immediately to report this change to the Federal Communications Commission.

Very truly yours,

Radio Station KBAL(FM)  
San Saba, Texas

By: 

Roy E. Henderson, Licensee

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Withdrawal of Consent and Support have been served by United States mail, postage prepaid this 10th day of August, 2004, upon the following:

\*John A. Karousos, Esq.  
Assistant Chief, Audio Division  
Office of Broadcast License Policy  
Media Bureau  
Federal Communications Commission  
Portals II, Room 3-A266  
445 12th Street SW  
Washington, D.C. 20554

Mark N. Lipp, Esq.  
J. Thomas Nolan, Esq.  
Vinson & Elkins, L.L.P.  
1455 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Robert Lewis Thompson, Esq.  
Theiman Aitkin & Vohra, LLP  
908 King Street  
Suite 300  
Alexandria, VA 22314

James L. Oyster, Esq.  
Law Offices of James L. Oyster  
108 Oyster lane  
Castleton, VA 22716-2839

Ann Bavender, Esq.  
Fletcher Heald & Hildreth P.L.C.  
1300 North 17th Street  
11th Floor  
Arlington, Virginia 22209-3801

Gene A. Bechtel, Esq.  
Law Office of Gene Bechtel, PC  
1050 17th Street, NW  
Suite 600  
Washington, D.C. 20036



Robert J. Buenzle

\* Also sent by fax